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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLUCK-U, CORP.,  
a Maryland corporation,

Plaintiff,

v.

CLUCK UNIVERSITY CHICKEN OF  
PALO ALTO, LP, d/b/a UNIVERSITY  
CHICKEN SANTA CLARA, a California  
limited partnership; CLUCK  
UNIVERSITY CHICKEN OF  
SAN JOSE, LP, a California limited  
partnership; UC RESTAURANT  
MANAGEMENT, INC., a California  
corporation; UNIVERSITY  
CHICKEN, INC., a California corporation;  
UNIVERSITY CHICKEN FRESNO, LP,  
a California limited partnership;  
UNIVERSITY CHICKEN SAN JOSE,  
LLC, a California limited liability company;  
Michael C. Borneo, an individual; and  
DOES 1-50, inclusive.

Defendants.

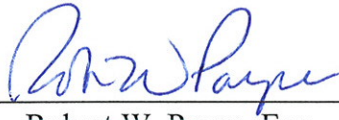
CASE NO. C07-04986 EMC

**DECLINATION TO PROCEED  
BEFORE A MAGISTRATE  
JUDGE AND REQUEST FOR  
REASSIGNMENT TO A UNITED  
STATES DISTRICT JUDGE**

The undersigned party in the above-captioned civil matter hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Judge.

1  
2 Dated: December 6, 2007

LARIVIERE, GRUBMAN & PAYNE, LLP

3  
4 By   
5 Robert W. Payne, Esq.  
6 LaRiviere, Grubman & Payne  
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11 Attorney for Plaintiff  
12 Cluck-U, Corp.  
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**PROOF OF SERVICE**

I am over 18 years of age and not a party to the within action. My business address is 19 Upper Ragsdale Drive, Suite 200, Monterey, California, 93940. On December 6, 2007, I served the following document:

**DECLINATION TO PROCEED BEFORE A MAGISTRATE  
JUDGE AND REQUEST FOR REASSIGNMENT TO A  
UNITED STATES DISTRICT JUDGE**

by placing a true copy thereof enclosed in a sealed envelope and served in the manner described below to the interested parties herein and addressed to:

Stephen P. Ellingson  
Jamie A. Radack  
Hayes Davis Bonino Ellingson McLay & Scott, LLP  
203 Redwood Shores Parkway, Suite 480  
Redwood Shores, CA 94065


X **U.S. MAIL:** I caused such envelope(s) to be deposited in the mail at my business address, with postage thereon fully prepaid, addressed to the addresses(s) designated. I am readily familiar with the business' practice of collecting and processing correspondence to be deposited with the United States Postal Service on that same day in the ordinary course of business.

\_\_\_\_\_ **HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the addressee(s) designated.

\_\_\_\_\_ **BY FACSIMILE:** By use of facsimile machine telephone number (\*\*\* ) \*\*\*-\*\*\*\*, I served a copy of the within document on the below parties at the facsimile number listed. The transmission was reported as complete and without error.

X **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 6, 2007 at Monterey, California.

  
\_\_\_\_\_  
Tabatha Morgan  
Paralegal